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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,265	03/31/2004	William Gene Durbin	CYGL-26,658	9830

25883 7590 03/09/2006

HOWISON & ARNOTT, L.L.P
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EXAMINER

NGUYEN, KIMBERLY D

ART UNIT PAPER NUMBER

2876

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/816,265	Applicant(s) DURBIN ET AL.	
	Examiner Kimberly D. Nguyen	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-10 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/20/05</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4 and 7-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Bedell, Jr. et al. (US 2005/0006471 A1; hereinafter “Bedell, Jr.”).

Re claims 1, 3-4, and 7-10: Bedell, Jr. teaches a magnetic stripe card reader for reading a magnetic stripe on a card (17 in fig. 1) having at least one track (01, 02, 03 in fig. 1) of magnetically stored information stored thereon as a stream of encoded discrete data bits separated by bit times, comprising:

a magnetic head (7 in fig. 1) for reading the magnetic pulses as the magnetic stripe is passed thereby to output a time varying analog signal (paragraphs 16-21);

a data converter (9 in fig. 1) incorporated on an integrated circuit for converting the analog signal to a digital time series of digital values (paragraphs 16-21);

a processor (15 in fig. 1) incorporated on said integrated circuit for processing said digital output of said data converter and operable to:

determining potential bit boundaries (bit-encoding, bit-framing),

recover timing information from said digital time series to discriminate the bit times between data bits (clock-1, clock-2, clock-3; paragraphs 17-23), and

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determining the value of each data bit during each bit time to provide a stream of extracted data bits (paragraphs 15-56).

Re claim 2: Bedell, Jr. teaches wherein the processor is further operable to decode the stream of extracted data bits to provide decoded information, the processor having a communication circuit associated therewith and incorporated on the integrated circuit and operable to interface with an external system for transfer of data thereto (paragraphs 16, 34, 47).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bedell, Jr. in view of Coker, Jr. et al. (US 3,571,799; hereinafter "Coker, Jr."). The teachings of Bedell, Jr. have been discussed above.

Bedell, Jr. fails to teach or fairly suggest the data bits are stored on the magnetic stripe as a series of positive and negative magnetic pulses and the processor includes a peak detector for detecting the presence of a magnetic pulse in the analog signal after conversion to the digital domain (col. 4, line 42 through col. 5, line 45).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the data bits are stored on the magnetic stripe as a series of positive and negative magnetic pulses and the processor includes a peak detector for detecting the presence of a magnetic pulse in the analog signal after conversion to the digital domain as

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taught by Coker, Jr. to the teachings of Bedell, Jr. in order to directly store data on the magnetic card.

Allowable Subject Matter

5. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

The best prior art of record fails to teach or fairly suggest wherein the processor is further operable to filter the digital values with a low pass filter prior to processing by the peak detector.

Conclusion

Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 571-272-2402.

The examiner can normally be reached on Monday-Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

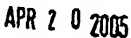
Art Unit: 2876

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "KDN", with a long horizontal flourish extending to the right.

KDN

March 4, 2006



Approved for use through 07/31/2006. OMB 0651-0031

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Substitute for form 1449/PTO

(Use as many sheets as necessary)

Sheet	1	of	2
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Complete if Known

Application Number	10/816,265
Filing Date	March 31, 2004
First Named Inventor	William Gene Durbin et al.
Art Unit	2651
Examiner Name	To Be Assigned K. NGUYEN
Attorney Docket Number	CYGL-26 658

U. S. PATENT DOCUMENTS

[illegible]

Examiner Signature	<i>Kim Nguyen</i>	Date Considered	3/3/06
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ²Applicant's unique citation designation number (optional). ³See Kind's Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ⁴Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁵For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁶Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁷Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/816,265
Filing Date	March 31, 2004
First Named Inventor	William Gene Durbin et al.
Art Unit	2651
Examiner Name	To Be Assigned K. NGUYEN
Attorney Docket Number	CYGL-26,658

Sheet 2 of 2

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
KN	AA	CYPRESS MICROSYSTEMS, INC. 2003; PSoC Magnetic Card Reader; Application Note - Magnetic Strip Reader; Web Site: http://www.cypressmicro.com	
I	AB	MAGTEK, Registered to ISO 9001:2000; I/O Interface for TTL Magnetic Strip Readers, Technical Reference Manual, Manual Part Number 99875148 Rev-6, December 2003.	
↓	AC	MAGTEK, Registered to ISO 9001:2000; Matnetic Card Reader Design Kit, Technical Specification, Part Number 99821002 Rev 16, July 2003.	
KN	AD	MAGTEK, Registered to ISO 9001:2000; Slim Profile Card Guide Swipe Reader, Technical Reference Manual, Part Number 99875147-3, May 2003.	

Examiner Signature	<i>K. Nguyen</i>	Date Considered	3/3/06
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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Notice of References Cited	Application/Control No. 10/816,265	Applicant(s)/Patent Under Reexamination DURBIN ET AL.	
	Examiner Kimberly D. Nguyen	Art Unit 2876	Page 1 of 2

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2005/0006471	01-2005	Bedell et al.	235/440
*	B	US-3,571,799	03-1971	Coker et al.	235/380
*	C	US-5,260,776	11-1993	Taguchi et al.	386/38
*	D	US-5,155,584	10-1992	Taguchi et al.	348/231.6
*	E	US-4,755,069	07-1988	LaManna et al.	400/130
*	F	US-4,866,545	09-1989	LaManna et al.	360/53
*	G	US-4,900,168	02-1990	LaManna et al.	400/130
*	H	US-5,293,280	03-1994	Ishikawa et al.	360/74.1
*	I	US-6,021,281	02-2000	Tanaka et al.	396/319
*	J	US-6,646,565	11-2003	Fu et al.	340/687
*	K	US-3,860,793	01-1975	Roe et al.	235/432
*	L	US-4,002,887	01-1977	Ouimette, Blaine N.	235/449
*	M	US-5,698,832	12-1997	Someya et al.	235/449

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
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	U	
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Notice of References Cited	Application/Control No. 10/816,265	Applicant(s)/Patent Under Reexamination DURBIN ET AL.	
	Examiner Kimberly D. Nguyen	Art Unit 2876	Page 2 of 2

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,141,161	10-2000	Sato et al.	360/2
*	B	US-2001/0025885	10-2001	Kuroiwa et al.	235/449
	C	US-			
	D	US-			
	E	US-			
	F	US-			
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	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

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